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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,291	11/10/2003	George C. Schedivy	8002A-86	5428
22150 7590 11/25/2009 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797				
EXAMINER				
LARSON, JUSTIN MATTHEW				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
11/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,291

Applicant(s)

SCHEIDIVY, GEORGE C.

Examiner

Justin M. Larson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/09 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 37, 45, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (US 6,380,978 B1).

Adams discloses a video system comprising: an entertainment unit (10) comprising: a display (14); and a media source (26) operatively coupled to the display; a housing (12) suspended at a rear of a vehicle seat, wherein the housing includes a cavity (into which the electronic components of the video system are received) to receive the entertainment unit in the housing and suspend the entertainment unit from the seat.

Examiner notes that the limitation "the housing is capable of being fixed to different positions using a mounting mechanism" is a functional limitation, where the

structural details of the mounting mechanism are not actually being positively claimed. While the specific details of the mounting mechanism are not disclosed by Adams, there is no structure in Adams that would prevent the housing from being fixed to different positions using a mounting mechanism as claimed. Thus the housing of Adams is considered to be "capable of" such fixing to the extent claimed as a user could attach such a mounting mechanism to the housing of Adams if they so desired.

4. Claims 37, 45, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Merritt (US 6,216,927 B1).

Merritt discloses a video system comprising: an entertainment unit (112, col. 9 lines 58-67) comprising: a display (at least one of the listed devices would inherently include a display); and a media source (at least one of the listed devices would inherently includes a media source) operatively coupled to the display; a housing (118) suspended at a rear of a vehicle seat, wherein the housing includes a cavity to receive the entertainment unit in the housing and suspend the entertainment unit from the seat.

Examiner notes that the limitation "the housing is capable of being fixed to different positions using a mounting mechanism" is a functional limitation, where the structural details of the mounting mechanism are not actually being positively claimed. While the specific details of the mounting mechanism are not disclosed by Merritt, there is no structure in Merritt that would prevent the housing from being fixed to different positions using a mounting mechanism as claimed. Thus the housing of Merritt is considered to be "capable of" such fixing to the extent claimed as a user could attach such a mounting mechanism to the housing of Merritt if they so desired.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-22, 24, 25, 29-32, 34-37, 45, 46, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,380,978 B1) in view of Meritt (US 6,216,927 B1), further in view of Leyden et al. (US 6,371,345 B1) and Yoshioka (JP 06197245 A), and finally in view of Hale (US 5,337,985 A).

Regarding claims 20 and 50, Adams discloses a video system comprising: an entertainment unit (10) comprising: a display (14), a media source (26) coupled to the display; the system being suspended at a rear of a vehicle seat (Figure 2A). Adams also discloses a coupling member (flap shown in Figure 2A that is coupled to the headrest supports) coupled to at least one headrest support member. Finally, Adams discloses a wedge (Figure 2A shows a wedge between the seat and the video system that holds the video system at an angle with respect to the seat) having one end positioned on a rear panel of the system and another end butted directly against the seat, the wedge using friction (friction inherently exists between any two contacting bodies) between the wedge and the seat to prevent the wedge from sliding.

Adams fails to disclose the entertainment unit being temporarily received in a housing, where it is the housing that is suspended from the rear of the vehicle seat. Adams also fails to disclose the coupling member including a bracket and a ring for

attachment to the headrest support members. Adams also fails to disclose the coupling member being attached to the housing via a moveable ball joint moveable in at least two of x-axis, y-axis, and z-axis directions. Finally, Adams fails to disclose the height of the wedge being less than a height of the housing.

Regarding the housing, Meritt (Figures 9-12) discloses a similar video system (112) suspended at the rear of a vehicle seat and teaches that it was already known for a video system to be temporarily received in a housing (118), where it is the housing that is suspended from the rear of the seat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a housing like that taught by Meritt with the video system of Adams et al., where the housing would be attached to the vehicle seat and the video system would be removably stored within the housing, the motivation being to allow the video system to be easily removed from the housing and seat for use outside the vehicle.

Regarding the coupling member, Leyden et al. teach that it is desirable to moveably attach (col. 1 lines 20-25) an entertainment device (O) within a vehicle using a rigid coupling member that includes a post (14) having one end attached to a mounting surface in a vehicle and the other end attached to the entertainment device via a moveable ball joint (12/28). Similarly, Yoshioka discloses a device housing (3) suspended from the posts of a vehicle seat headrest via at least one mounting post (2), where the mounting post is secured about the headrest posts via a bracket that includes a ring (1a/4a), the ring having a circumference (formed by inner surfaces of 1a/4a) that is larger than a circumference of the headrest posts to permit free movement of the ring

around the posts. First, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced the flap-type coupling member of Adams with a rigid post-type coupling member, as taught by both Leyden et al. and Yoshioka, the post being attached to the headrest support members with a bracket and ring, as taught by Yoshioka, the motivation being to provide a more rigid and durable connection between the housing and the headrest support members. There is no inventive step in merely choosing between known types of coupling members that couple devices to headrest support members, absent a showing of unexpected results. Second, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made one end of the post of the modified Adams system moveably attached to the housing via a ball joint, as taught by Leyden et al., the motivation being to allow a greater degree of viewing angle adjustment.

Regarding the height of the wedge, Hale teaches that it was already known for the height of an angle adjusting wedge (10) to be less than a height of the device it is supporting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have either replaced the wedge of Adams with a wedge like that of Hale, as a mere substitution of known angle adjusting wedges, or to simply make the height of the Adams wedge less than a height of the housing, as suggested by Hale, as a mere change in size. Examiner notes that it has been held a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 21, the bracket ring (1a/4a) of the modified Adams et al. video system opens and closes (via 5/6 as taught by Yoshioka) to allow placement of the ring around the headrest support member without removing the headrest from the seat.

Regarding claim 22, the bracket of the modified Adams et al. video system includes a locking mechanism (5/6), as taught by Yoshioka.

Regarding claim 24, the mounting post of the modified Adams et al. video system would be capable of being fixed in a plurality of positions along at least one of the x-axis, the y-axis, and the z-axis.

Regarding claim 25, the mounting post implemented on the Adams et al. video system, as taught by Yoshioka, is fixed using a locking nut (6).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of the modified Adams et al. video system must be one of the two.

Regarding claims 30 and 31, the housing, as taught by Merritt, of the modified Adams et al. video system includes an opening (Figures of Merritt) that provides access to the media source and for allowing a view of the display.

Regarding claims 32 and 50, the housing, as taught by Merritt, of the modified Adams video system is formed in substantially a U-shape having an open side through which the entertainment unit is inserted and removed (Figures of Merritt).

Regarding claim 34, the modified Adams et al. video system is shown to have a power port (Figure 2A, Adams).

Regarding claim 35, the media source of the modified Adams et al. video system is slot-type.

Regarding claim 36, the media source of the modified Adams et al. video system includes a DVD player (10).

Regarding claims 37, 45, and 46, when considering the claimed structure of the mounting mechanism, despite these limitations being functional as currently presented, the modified Adams video system includes all of the claimed features, as set forth above.

Response to Arguments

7. Applicant's arguments filed 10/30/09 with respect to the wedge of Hsu have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571)272-8649. The examiner can normally be reached on Monday-Friday, 9a-5p (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M Larson/

Examiner, Art Unit 3782

11/20/09